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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,804	10/01/2001	Holger Hauptmann	0475-0193P	6560
2292	7590 04/01/2002			
BIRCH STEWART KOLASCH & BIRCH			EXAMINER	
PO BOX 747 FALLS CHUI	RCH, VA 22040-0747	FIORILLA, CHRISTOPHER A		
			ART UNIT	PAPER NUMBER
			1731	Ø
			DATE MAILED: 04/01/2002	ð

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary  Examiner Christopher A. Fioritia  — The MAILING DATE of this communication appears on the c. ver sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  • Extensions of time may be available under the provisions of 3 C/CR 1 136(d). In no event, however, may a reply be timely filed after 5k (6) MONTHS from the maning date of this communication.  • If NO period for reply is available under the provisions of 3 C/CR 1 136(d). In no event, however, may a reply be timely filed after 5k (6) MONTHS from the maning date of this communication.  • If NO period for reply is available under the provisions of 3 C/CR 1 136(d). In no event, however, may a reply be timely filed after 5k (6) MONTHS from the maning date of the communication.  • If NO period for reply is available under the provisions of 3 C/CR 1 136(d). In no event, however, may a reply be timely filed and the skill of the communication.  • If NO period for reply is available under the provisions of 3 C/CR 1 136(d).  • If NO period for reply is available under the provisions of 3 C/CR 1 136(d).  • If NO period for reply is available under the mailing date of this communication, even if timely filed, may reduce a may status.  • If NO period for reply is available period for reply the status.  • If NO period for reply is available period for reply the status.  • If NO period for reply is available and the period of the communication.  • If NO period for reply is available of the period of the status of the period of the communication.  • If NO period for reply is available and the period of the period of the period of the communication.  • If NO period for reply is available to the ments of the period of the p					120
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2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  4)  Claim(s) 1-13 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are objected to.  8)  Claim(s) 1-13 are subject to restriction and/or election requirement.  **Opplication Papers**  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a)    accepted or b)    objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)    The proposed drawing correction filed on is: a)    approved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)    The oath or declaration is objected to by the Examiner.  **Triority under 35 U.S.C. §§ 119 and 120**  13)    Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)    All    b)    Some * c)    None of:  1    Certified copies of the priority documents have been received.  2    Certified copies of the priority documents have been received in Application No application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)    Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.  * tachment(s)    Interview Summary (PTO-413) Paper No(s) See the attached Details of the Green Paper No(s) See the Information Speciesure Statement(s) (PTO-144) Paper No(s) See the Information Speciesure Statement(s) (PTO-144) Paper No(s) See the Information Statement(s) (PTO-143) Paper No(s) See the Information Statement(s) (PTO-144) Paper No(s)	THE   - Exter after - If the - If NO - Failu - Any r	MAILING DATE OF THIS COMMUNICATION nsions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. It period for reply specified above is less than thirty (30) days, a report of or reply is specified above, the maximum statutory period for reply will, by stature to reply within the set or extended period for reply will, by stature to reply with the set or extended period for reply will, by stature to reply with the set or extended period for reply will.	136(a). In no event, however, ply within the statutory minimur d will apply and will expire SIX (	may a reply be timely filed  n of thirty (30) days will be considered time 6) MONTHS from the mailing date of this ome ABANDONED (35 U.S.C. & 133)	ely. communication.
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closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.    Disposition of Claims	2a)	This action is <b>FINAL</b> . 2b) T	his action is non-final		
4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are rejected.  7) □ Claim(s) is/are objected to.  8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.  4pplication Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filled on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) □ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application has been received.  15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  **Interview Summary (PTO-413) Paper No(s). □ Notice of Informal Patent Application (PTO-152)   Interview Summary (PTO-413) Paper No(s). □ Notice of Information Disclosure Statement(s) (PTO-1449) Paper No(s). □ Other:  **Paper and Trademank Office**	• ===	closed in accordance with the practice under	vance except for form r <i>Ex parte Quayle</i> , 19	al matters, prosecution as to t 35 C.D. 11, 453 O.G. 213.	he merits is
5	4)🖂	Claim(s) 1-13 is/are pending in the application	n.		
6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are subject to restriction and/or election requirement. Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  * The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  * Interview Summary (PTO-413) Paper No(s)  Notice of Informal Patent Application (PTO-152)    Information Disclosure Statement(s) (PTO-1449) Paper No(s)  5) Other:		4a) Of the above claim(s) is/are withdra	awn from consideratio	n.	
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S  Claim(s) 1-13 are subject to restriction and/or election requirement.   Application Papers	6)[	Claim(s) is/are rejected.			
Supplication Papers   10   The specification is objected to by the Examiner.   10   The drawing(s) filed on is/are: a   accepted or b   objected to by the Examiner.   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   11   The proposed drawing correction filed on is: a   approved b   disapproved by the Examiner.   If approved, corrected drawings are required in reply to this Office action.   12   The oath or declaration is objected to by the Examiner.   If approved, corrected drawings are required in reply to this Office action.   12   The oath or declaration is objected to by the Examiner.   If approved, corrected drawings are required in reply to this Office action.   12   The oath or declaration is objected to by the Examiner.   If approved, corrected drawings are required in reply to this Office action.   12   The oath or declaration is objected to by the Examiner.   If approved, corrected drawings are required in reply to this Office action.   13   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).   a)   All b)   Some * c)   Notice of the priority documents have been received.   15   Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).   *See the attached detailed Office action for a list of the certified copies not received.   14   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application a)   The translation of the foreign language provisional application has been received.   15   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.   Interview Summary (PTO-413) Paper No(s)   Notice of Pafsperson's Patent Drawing Review (PTO-948)   Notice of Informal Patent Application (PTO-152)   Notice of Informal Patent Application (PTO-152)   Notice of Informal Patent Application (PTO-1549)   Notice of Informal Patent Applica	7)	Claim(s) is/are objected to.		•	
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Application/Control Number: 09/890,804 Page 2

Art Unit: 1731

1. This application contains claims directed to more than one species of the generic

invention. These species are deemed to lack unity of invention because they are not so linked as

to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

a) process wherein the supporting material and firing material have same physical

properties;

b) process wherein the supporting material and firing material have different physical

properties;

c) process wherein gas streams keep the items floating; and

d) process wherein magnetic field keeps the items floating

Applicant is required, in reply to this action, to elect a single species to which the claims

shall be restricted if no generic claim is finally held to be allowable. The reply must also identify

the claims readable on the elected species, including any claims subsequently added. An

argument that a claim is allowable or that all claims are generic is considered non-responsive

unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of

claims to additional species which are written in dependent form or otherwise include all the

limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after

the election, applicant must indicate which are readable upon the elected species. MPEP

§ 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

species a) claim 6

species b) claim 10

Page 3

Application/Control Number: 09/890,804

Art Unit: 1731

species c) claim 11 species d) claim 12

The following claim(s) are generic: 1-5 and 13.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

Claim 1 is either obvious or anticipated by EP 0530370 or EP 0583620. Accordingly, the special technical feature linking the two inventions does not provide a contribution over the prior art, and no single general inventive concept exists. Therefore, restriction is appropriate.

4. A telephone call was made to Andrew Meikle on February 26, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Application/Control Number: 09/890,804

Art Unit: 1731

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Fiorilla whose telephone number is 703-308-0674. The examiner can normally be reached on M-F, 6:30am-3:00pm, but works a flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 703-308-3837. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

Christopher A. Fiorilla Primary Examiner Art Unit 1731 Page 4

caf March 27, 2002